

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE ENROLLED ACT No. 217

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 2-5-27.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 27.2. Commission on Mental Retardation and Developmental Disabilities

Sec. 1. As used in this chapter, "commission" refers to the commission on mental retardation and developmental disabilities established under section 2 of this chapter.

Sec. 2. There is established the commission on mental retardation and developmental disabilities as a legislative study committee.

Sec. 3. (a) The commission consists of the following members:

- (1)** Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2)** Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.
- (3)** The following members appointed by the governor:
 - (A)** Three (3) members at large.
 - (B)** One (1) member who is a consumer of mental



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retardation or developmental disability services.

(C) One (1) member who is a representative of advocacy groups for consumers of mental retardation and developmental disability services.

(D) Two (2) members who are representatives of families of consumers of mental retardation and developmental disability services.

(E) One (1) member who is a representative of an organization providing services to individuals with mental retardation and developmental disabilities.

(b) The term of a commission member appointed under subsection (a)(3) is three (3) years.

(c) The governor shall fill a vacancy of a member under subsection (a)(3) within ten (10) days after the vacancy occurs.

(d) If:

(1) the term of a member appointed under subsection (a)(3) expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for mental retardation and developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for their children who are mentally retarded and developmentally disabled adults.

(C) Services for families in emergency or crisis situations.

(D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for

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individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability, aging, and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-17-15.

Sec. 5. The commission shall operate under the policies governing study committees adopted by the legislative council.

Sec. 6. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

SECTION 2. IC 12-24-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Notwithstanding any other law, the director of the division of disability, aging, and rehabilitative services may not terminate normal patient care or other operations at Muscatatuck State Developmental Center unless the division has complied with this section.

(b) The division shall conduct at least one (1) public hearing at a handicap accessible location in the county where Muscatatuck State Developmental Center is located to obtain written and oral testimony from all persons interested in the effect that the center's downsizing would have on:

(1) Muscatatuck State Developmental Center:

(A) residents;

(B) residents' families; and

(C) employees; and

(2) communities surrounding Muscatatuck State Developmental Center.

(c) The division shall conduct a study of the following issues:

(1) The risks to the health and well-being of residents of Muscatatuck State Developmental Center and the families of residents that arise from:

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- (A) downsizing Muscatatuck State Developmental Center;
and
- (B) transferring residents to new placements.
- (2) The types of placements needed to adequately serve residents of Muscatatuck State Developmental Center in a setting that is located within the vicinity of the families of residents, including:
 - (A) the availability of adequate placements; and
 - (B) the need to develop new placement opportunities.
- (3) The economic impact that downsizing will have on:
 - (A) Muscatatuck State Developmental Center:
 - (i) residents;
 - (ii) residents' families; and
 - (iii) employees; and
 - (B) communities surrounding Muscatatuck State Developmental Center.
- (4) The existence of environmental hazards on the property where Muscatatuck State Developmental Center is located.
- (5) Opportunities for reuse of the Muscatatuck State Developmental Center property in a manner that will enhance the economy of the area.
- (d) After the public hearing required under subsection (b), the division shall submit a report to the legislative council and the budget agency that contains the following information:
 - (1) A summary of the testimony received at the public hearing required under subsection (b).
 - (2) The results of the division's study under subsection (c).
 - (3) Other information the director of the division considers relevant.
- (e) The division shall develop a plan for the downsizing of Muscatatuck State Developmental Center. The plan must include the following:
 - (1) A plan and timetable for placement of appropriate residents of Muscatatuck State Developmental Center in adequate placements that fully meet the needs of the residents before downsizing Muscatatuck State Developmental Center.
 - (2) A plan for moving residents to alternative placements that protects the physical health, mental health, and safety of the residents.
 - (3) A plan for keeping:
 - (A) Muscatatuck State Developmental Center:
 - (i) residents;

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(ii) residents' families; and

(iii) employees; and

(B) communities surrounding Muscatatuck State Developmental Center;

informed of each significant step taken in the planning, resident placement, and downsizing process.

(4) An environmental plan for the elimination of any environmental hazards on the property where Muscatatuck State Developmental Center is located.

(5) A plan and timetable for the reuse of the Muscatatuck State Developmental Center property in a manner that will provide for the best economic use of the property.

(6) A plan for monitoring compliance with the standards set to assure the health and safety of residents, compliance with this section, and compliance with the plans developed under this section.

The division shall submit the plan required under this subsection to the legislative council and the budget agency at the same time that the report required under subsection (d) is submitted.

(f) The report required under subsection (d) and the plan required under subsection (e) must be approved by the budget director after review by the legislative council and the budget committee.

(g) The director may not complete the closure of Muscatatuck State Developmental Center until:

(1) the report and plan are approved by the budget director under subsection (f); and

(2) residents of Muscatatuck State Developmental Center are placed in adequate placements that:

(A) fully meet the capabilities and needs of the residents;

(B) are located sufficiently close to the families of residents so that the families may maintain the same level of contact with the residents that the families had before the residents were transferred from Muscatatuck State Developmental Center; and

(C) are acceptable to the individual or the individual's representative.

SECTION 3. [EFFECTIVE MARCH 1, 2002, (RETROACTIVE)]

(a) Beginning March 1, 2002, the division of disability, aging, and rehabilitative services established by IC 12-9-1-1 shall provide a quarterly report regarding the status of the closure of Muscatatuck State Developmental Center to the commission on mental

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retardation and developmental disabilities.

(b) This SECTION expires July 1, 2005.

SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: P.L.272-1999, SECTION 67; P.L.242-2001, SECTION 3.

SECTION 5. [EFFECTIVE JULY 1, 2002] **Notwithstanding IC 2-5-27.2-3, as added by this act, an individual who was appointed as a lay member of the Indiana commission on mental retardation and developmental disabilities in 2001 remains a member of the commission until:**

(1) the member resigns; or

(2) January 1, 2004;

whichever is earlier.

SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) Not later than July 1, 2002, the department of workforce development shall establish and operate retraining programs for employees of the Madison state hospital who are terminated from employment due to any downsizing of the Madison state hospital.**

(b) This SECTION expires July 1, 2003.

SECTION 7. **An emergency is declared for this act.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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